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Death Sentence Overturned

Man who has spent 20 years on death row could be freed

WILMINGTON -- The second-longest-serving inmate on Delaware's death row may be free on bail as soon as next week.

At a brief hearing Tuesday that left prosecutors speechless, Superior Court Judge John A. Parkins Jr. overturned the conviction and death sentence of Jermaine Wright for the January 1991 slaying of liquor store clerk Phillip Seifert.

Parkins said he had "no confidence" in the evidence against Wright, despite a videotaped confession. He said he plans to hold a hearing next week that appears likely to result in Wright's release on bail.

Wright has been under sentence of death for 20 years. The only person who has been sitting on Delaware's death row longer is Robert Gattis, who is scheduled to die by lethal injection later this month.

When Parkins announced that he found Wright's conviction and sentence "constitutionally infirm," more than a dozen family and friends of Wright in the courtroom erupted in cheers before they were quickly quieted by bailiffs.

Wright shook hands and exchanged hugs with his attorneys Herbert Mondros and James Moreno.



Jermaine Wright could be freed from death row after 20

Afterward, Moreno said they saw the judge's action as a total vindication for their client.

Wright's original trial counsel, Jack Willard, was also in court and spoke briefly to say that the case had kept him awake nights for 20 years. He praised Parkins for his ruling. "You know there is a God and God hates injustice," Willard told Parkins.

Prosecutors Greg Smith and Danielle Brennan were clearly stunned by Parkins' ruling and declined to comment as they left the court. Several hours later, the Delaware Attorney General's Office issued a one-sentence statement: "We are reviewing the court's opinion to determine the next step and will communicate our decision when it is made."

Members of Seifert's family did not attend Tuesday's proceedings, but Phillip's brother Lawrence, who owned the liquor store, said Tuesday that Parkins was "wrong" and that after having sat through the trial he has no doubt of Wright's guilt.

"One judge says he's guilty and another judge says he wants to let him go," Seifert said. "I think there should be a third judge."

Laurie L. Levenson, a professor at Loyola Law School in Los Angeles, said the Wright case "is extraordinarily troubling," especially because there had been so many prior reviews of the conviction before Tuesday's ruling.

"Bells and sirens should go off for the criminal justice system," she said, adding that such stunning turnarounds are happening more and more in cases like this one, cases that are 10, 15 or 20 years old. "This is probably why we are seeing that juries are less and less willing to give the death penalty. We are seeing how easy it is to get it wrong."

Evidence lacking

Wright was convicted at a 1992 trial for shooting Seifert, 66, during a robbery at the Hi-Way Inn on Gov. Printz Boulevard that only yielded about \$30.

The jury at the time unanimously recommended the death penalty for Wright, and it was imposed by the judge. Several years later, on appeal, Wright was granted a second penalty hearing. A second jury voted 10-2 in favor of the death penalty. Both the conviction and sentence were upheld by the Delaware Supreme Court.

On Tuesday, Seifert said the evidence showed that Wright shot his brother, who had part of one leg amputated, and that Wright left and returned to shoot him again. "He was trying to kill the evidence and he did," Seifert said, adding that the time Phillip Seifert was in the hospital afterward, brain-dead from his wounds, "was torture."

However, in his 101-page opinion responding to Wright's fourth petition for post-conviction relief, Parkins noted that the case against Wright -- with the exception of a videotaped confession -- "was weak to non-existent."

He said there was no physical evidence linking Wright to the crime, no murder weapon was recovered, no fingerprints or shoe prints were recovered, no one was able to pick Wright out of a lineup and there were no security camera images of the crime.

Parkins also noted that detectives were so desperate for leads in the case that one officer put out the word that he would pay for information and also "passed out twenty dollar bills at the Kirkwood Community Center looking for informants."

As for the confession, Parkins wrote, Wright was high on heroin -- and apparently had heroin with him during his 13-hour detention and interrogation -- and at times displayed bizarre behavior. At one point, according to the ruling, Wright curled up in a fetal position under the table in the interview room. Later, Wright "insisted on writing down his answers on a piece of paper, passing the paper to [the detective], who in turn handed it back to Wright, whereupon Wright would eat the paper."

Only the last 40 minutes or so of the interrogation were taped.

On the video, Parkins wrote, Wright clearly gets details about the crime wrong and several times changes his statement to "yield to suggestions" from the detective.

Parkins said the court could not completely discount the confession -- in which Wright charged that co-defendant Lorinzo Dixon threatened to shoot him if he didn't shoot Seifert -- because Wright did get some details correct.

But Parkins also ruled that when the police advised Wright of his Miranda rights, they got it wrong. A detective told Wright he had a right to an attorney, and, if he could not afford one, one would be appointed, "if the state feels that you're diligent and needs (sic) one."

Prosecutors claimed the detective said "indigent" and not "diligent," but Parkins noted the same detective botched the Miranda warning to co-defendant Dixon as well. (Dixon later admitted to robbery and a weapons charge in a plea deal, but according to the ruling Dixon now denies he was there.)

Evidence withheld

Parkins also ruled that investigators withheld key evidence from attorneys -- which they were required to produce -- that could have led a jury to believe Wright was innocent.

On the night of the slaying, there was a nearly identical attempted robbery at a different liquor store a short distance away where the victim saw the robbers, and police had ruled out Wright as a suspect. A jury could have concluded that that pair, and not Wright and Dixon, were responsible for shooting Seifert, according to Parkins.

Parkins also raised doubts about testimony from a jailhouse snitch, who claimed at trial to have heard Wright confess and who has since recanted his sworn testimony.

"Taken altogether the court has no confidence in the outcome of the trial," Parkins wrote.

Parkins started and concluded his opinion -- and his comments from the bench -- by talking about the victim, describing his slaying as brutal and senseless.

"Throughout these proceedings, the court has not lost sight of the fact that an innocent man needlessly died on Jan. 14, 1991, at the hands of another human being," Parkins said, adding that he knows his ruling will cause Seifert's family and friends additional anguish and frustration. "Nonetheless, the court stands as a guardian of the constitutional rights of every citizen, including those of the defendant," Parkins said.

"This is a model case for what could go wrong," said professor Levenson. "It should make everyone stop and gasp that a man could come so close to being put to death when there were so many problems with his conviction."

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